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#### UTILITY PATENT APPLICATION **TRANSMITTAL**

042390.P7752 Attorney Docket No.

Alok Sinha First Inventor or Application Identifier METHOD FOR COMMUNICATING OCCURRENCE OF EVENTS IN A Expression AGE MEDIUM 02/1/22/702119

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#### APPLICATION FOR UNITED STATES LETTERS PATENT

FOR

# METHOD FOR COMMUNICATING OCCURRENCE OF EVENTS IN A STORAGE MEDIUM

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# METHOD FOR COMMUNICATING OCCURRENCE OF EVENTS IN A STORAGE MEDIUM

#### **BACKGROUND**

A redundant array of inexpensive disks (RAID) process refers to a process by which a computing system may store data throughout a storage medium, such as an array of disk drives, so that at least portions of the data may be recovered should part of the storage medium fail. A processor in such a computing system may execute algorithms that determine the appropriate parity bit and location for the data to be stored. However, in large computing systems that frequently store data to disk drives, the burden on this processor to perform the RAID process may be significant. Because of this burden, the computing system may have reduced computing resources available for other tasks.

To reduce the burden on the processor, Intelligent Input/Output (I<sub>2</sub>O) controllers have been developed. Simply stated, I<sub>2</sub>O processors off-load responsibility for storing data on the disk drives from the processor so that the processor is available to perform other functions. Examples of implementing the I<sub>2</sub>O functions are described in the Intelligent Input/Output Architecture Specification, revision 1.5, published March 1997 by the I<sub>2</sub>O Special interest Group (see http://www.i2osig.org).

Nonetheless, there is a continuing need for better ways to improve the interaction between applications running on the processor and the disk drives in a computing system that is implementing a RAID data storage process.

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#### BRIEF DESCRIPTION OF THE DRAWINGS

The subject matter regarded as the invention is particularly pointed out and distinctly claimed in the concluding portion of the specification. The invention, however, both as to organization and method of operation, together with objects, features, and advantages thereof, may best be understood by reference to the following detailed description when read with the accompanying drawings in which:

- FIG. 1 is a block diagram representation of a computing system in accordance with an embodiment of the present invention;
- FIG. 2 is a block diagram representation of communicative coupling between in accordance with an embodiment of the present invention; and
- FIG. 3 is a flow chart illustrating the process by which an application may register itself with an event interface in accordance with an embodiment of the present invention.

Where considered appropriate, reference numerals have been repeated among the figures to indicate corresponding or analogous elements.

#### **DETAILED DESCRIPTION**

In the following detailed description, numerous specific details are set forth in order to provide a thorough understanding of the invention. However, it will be understood by those skilled in the art that the present invention may be practiced without these specific details. In other instances, well-known methods, procedures, components and circuits have not been described in detail so as not to obscure the present invention.

Some portions of the detailed description which follow are presented in terms of algorithms and symbolic representations of operations on data bits or binary digital signals

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within a computer memory. These algorithmic descriptions and representations are the techniques used by those skilled in the data processing arts to convey the substance of their work to others skilled in the art.

An algorithm is here, and generally, considered to be a self-consistent sequence of acts or operations leading to a desired result. These include physical manipulations of physical quantities. Usually, though not necessarily, these quantities take the form of electrical or magnetic signals capable of being stored, transferred, combined, compared, and otherwise manipulated. It has proven convenient at times, principally for reasons of common usage, to refer to these signals as bits, values, elements, symbols, characters, terms, numbers or the like. It should be understood, however, that all of these and similar terms are to be associated with the appropriate physical quantities and are merely convenient labels applied to these quantities.

Unless specifically stated otherwise, as apparent from the following discussions, it is appreciated that throughout the specification discussions utilizing terms such as "processing" or "computing" or calculating" or "determining" or the like, refer to the action and processes of a computer or computing system, or similar electronic computing device, that manipulate and transform data represented as physical (electronic) quantities within the computing system's registers and/or memories into other data similarly represented as physical quantities within the computing system's memories, registers or other such information storage, transmission or display devices.

Embodiments of the present invention may include apparatuses for performing the operations herein. This apparatus may be specially constructed for the desired purposes, or it may comprise a general purpose computer selectively activated or reconfigured by a

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computer program stored in the computer. Such a computer program may be stored in a computer readable storage medium, such as, but is not limited to, any type of disk including floppy disks, optical disks, CD-ROMs, magnetic-optical disks, read-only memories (ROMs), random access memories (RAMs), electrically programmable read-only memories (EPROMs), electrically erasable and programmable read only memories (EEPROMs), magnetic or optical cards, or any other type of media suitable for storing electronic instructions, and each coupled to a computer system bus.

The algorithms and displays presented herein are not inherently related to any particular computer or other apparatus. Various general purpose systems may be used with programs in accordance with the teachings herein, or it may prove convenient to construct a more specialized apparatus to perform the desired method. The desired structure for a variety of these systems will appear from the description below. In addition, embodiments of the present invention are not described with reference to any particular programming language. It will be appreciated that a variety of programming languages may be used to implement the teachings of the invention as described herein.

Referring to FIG. 1, a processor-based, computing system 10 may include a processor 12 coupled to an interface 14. Although the scope of the present invention is not limited so as to require interface 14, interface 14 may be a bridge or a part of a chipset, for example. Interface 14 may be coupled to a graphics controller 18, for example, by an accelerated graphics port (AGP) bus 16 (see Accelerated Graphics Port Interface Specification, Rev. 1.0, published on July 31, 1996 by Intel Corporation, Santa Clara, California). Controller 18 may control a display 20 to display information generated and processed by processor 12, for example. Interface 14 may also be coupled to a host

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system memory 21. Host system memory 21, for example a disk drive, cache memory, or static random access memory (SRAM), may be a machine-readable storage medium that may be used to provide the instructions executed by processor 12.

Interface 14 may also be coupled to a bus 22. Although the scope of the present invention is not limited in this respect, in one embodiment, bus 22 may comprise a Peripheral Component Interconnect (PCI) bus which is compliant with the PCI Local Bus Specification, Rev. 2.1, dated June 1, 1995 and available from the PCI Special Interest Group, Portland, OR 97214.

Bus 22 may also optionally be coupled to an interface 24, which may be part of a chipset or which may be implemented by a bridge, for example, although the scope of the present invention is not limited in this respect. Also coupled to bus 22, may be an input/output (I/O) device 26, which may be a host adapter in one embodiment of the invention. I/O device 26 may be, for example, a SCSI Fibre Channel (ANSI Standard X.3230-1994-Fibre Channel Physical and Signaling Standard (FC-PH) available at <a href="http://www.fibrecannel.com/technology/tech-frame.htm">http://www.fibrecannel.com/technology/tech-frame.htm</a>), an Ethernet device, or a Next Generation I/O (NGIO) device (available at

http://www.clients.activate.net.telspan/ngioforum/072199.htm).

Computing system 10 may also include an Intelligent Input/Output (I<sub>2</sub>O) device 30, which in turn, may be coupled to one or more disk drives 35. Although not limited in scope in this respect, I<sub>2</sub>O device 30 may optionally include components such as non-volatile memory, an SCSI controller, and a processor such as the i960®Rx I/O processor available from Intel Corporation, Santa Clara, CA. In the embodiment illustrated in FIG. 1, I<sub>2</sub>O device 30 is coupled to a storage medium, such as disk drive(s) 35, which represent

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any storage medium that may be used to implement a redundant array of inexpensive disks (RAID) data storage process. Although the scope of the present invention is not limited in this respect, in this embodiment I<sub>2</sub>O device 30 is intended to perform at least some of the instructions used to store and retrieve data in a RAID system so as to reduce the burden on processor 12 of system 10. Computing system 10 may also include other modules or components 32 as desired.

During the operation of system 10, situations may occur in either hardware or software that prompt system 10 to respond accordingly. These situations may occur either externally to computing system 10, such as in peripherals like storage mediums, or the situations may occur internally in the software operating within computing system 10. These situations are referred to as events. Although the scope of the present invention is not limited in this respect, examples of events that may occur in a computing system using a RAID process to store data include: notification that a disk drive has failed or is about to fail, a change in the spin rate or temperature of a disk drive, expiration of the predicted lifetime of a disk drive, array migrations, initialization of disk drives, redistribution of data after a drive failure, recovery of data from remaining disks upon failure of one or more disks, start or end of a disk format, an array expansion by adding more disks, or deletion or creation of a raid volume.

Again, the term "event" need not be limited to situations associated with a disk drive in a RAID system and the type of events to be reported are not meant to be limited to those described above. In alternative embodiments of the present invention, the occurrence of other types of "events" may be communicated such as ones associated with, for illustration only, peripheral communications, security, data processing, power

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management, etc.

Referring now to FIG. 2, an embodiment that provides for communicating the occurrence of an event to other applications is provided. In the embodiment illustrated in FIG. 2, each of the various components is implemented as a software routine, program, or a dynamic linked library (DLL). However, it should be understood that in other embodiments of the present invention, various modules shown in FIG. 2 may be implemented as hardware, for example logic circuits, programmable logic arrays (PLA's), or the like. Furthermore, it should be understood that the scope of the present invention is not limited to computing systems that operate each and every module shown in FIG. 2. For example, alternative embodiments may not perform all of the modules shown, or some of the modules may be performed by other computing systems (not shown).

Moreover, some of the functions shown in FIG. 2 may be combined into one computer program or separated into several independently running programs.

FIG. 2 is a block diagram representation of various modules that may be operating on processors within or external to computing system 10. The illustration is intended to demonstration how the various modules are communicatively coupled to each other in this particular embodiment while computing system 10 is in operation. The following embodiment is described as it may be implemented in a Windows NT ® platform.

Windows NT ® is a registered trademark of Microsoft Corporation, Redmond, WA.

However, the present invention may also be implemented on other software platforms, such as Linux, UnixWare, or the like.

FIG. 2 includes a Windows NT® Operating System Services Module (OSM) 50, which may be used to manage the interaction between the operating system running on

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computing system 10 and external peripherals via bus 22. Operating above Windows NT $^{\otimes}$  OSM 50 may be a RAID monitor service program 51 that coordinates the RAID process between a host processor (e.g., processor 12) and an  $I_2O$  controller (e.g.,  $I_2O$  device 30). Among other things, RAID monitor service 51 may record, track, and report events that are detected by  $I_2O$  controllers or other peripheral controllers.

Abstracted from, and residing above, RAID monitor service 51, is an event application programming interface (API) 55 which may be used to notify one or more desktop management applications 60 (hereinafter, management applications or applications) of the occurrence of an event(s). However, the scope of the present invention is not limited to this particular event API as alternative programming interfaces may also be used. Management application(s) 60 may be programs, routines, algorithms, DLL's, or the like that are being executed by the host processor. Examples of management applications include: Simple Network and Management Protocol Extension Agents (SNMP's), Desktop Management Interface Component Instrumentation (DMI's), RAID monitor applications, or like. However, it should be understood that the scope of the present invention is not restricted in this respect as the embodiments of the present invention may be used to communicate the occurrence of virtually any event to any application that requests such information.

Referring to FIG. 3, an embodiment of a process for registering a management application 60 with an event API 55 is now provided. At box 100, management application 60 provides event API 55 with registration parameters associated with an event. For example, management application 60 may provide information that identifies by name or numeric value the I/O processor, the storage medium, or the type of event

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that event API 55 is to notify management application 60 of. It should also be understood that the values or identification information provided may be optionally coded, if desired.

Management application 60 may also provide event API 55 with a callback function. The callback function may identify the response to be taken by either management application 60 or another program running on computer system 10. For example, the callback function may identify the routine or DLL to be executed once event API 55 notifies management application 60 of the occurrence of the event. Although the scope of the present invention is not limited in this respect, management application 60 may provide this information to event API 55 in the form of a data structure that includes fields associated with each piece of event information.

Upon receipt, event API 55 determines if the parameters are valid, box 101. If the registration request does not contain valid information, then event API 55 may return a NULL character, box 102, to indicate that registration has not occurred. If the request is valid, then event API 55 may allocate memory and store the data or the data structure associated with the event that event API 55 is to notify management application 60 of, box 103.

Once the data has been stored, event API 55 establishes a connection (e.g., an interprocess communication) with RAID monitor service 51 through a named pipe. Event API 55 may store the handle as part of the data associated with the event to be reported, box 104. As explained in more detail below, the handle data may later be used by management application 60 to unregister itself with event API 55.

Once registered, event API 55 monitors the events, including hardware events, that

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occur within computing system 10. This includes the events that are reported through Window NT® OSM 50 and RAID monitor service 51. During the operation of computing system 10, RAID monitor service 51 may constantly or periodically update event API 55 with events that have recently occurred. If an event occurs that is of the type previously registered, event API 55 may use the callback function information to notify management application 60 of the occurrence of the event. Event API 55 may also provide management application 60 with any data associated with the event or the context that was originally specified by management application 60 when it registered with event API 55.

If event API 55 has notified management application 60 of the occurrence of a particular event, or if management application 60 no longer desires to be notified of a particular event, management application 60 may unregister itself with event API 55. To do so, management application 60 may simply pass the handle associated with the registration of this particular event, see box 104 of FIG. 2, so that event API 55 will proceed as if that handle was invalid.

In the embodiments described above, management application 60 registered a single event with event API 55. However, it should be understood that the scope of the present invention is not limited in this respect as different management applications may register with the event API, each to be notified of the same event, or one management application may register several events that the event API is to notify that management application once those events occur.

One advantage of the embodiments of the present invention is that desktop

management applications may now be notified of the occurrence of events without having

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to actively search for their occurrence. This improves the efficiency of the management applications as they no longer have to randomly or periodically poll the RAID monitor service to check if an event has occurred. This also improves the response time of the management application as the management application may be notified of the occurrence of an event as soon as the event API becomes of aware of it.

The present invention also provides the management application with information that was previously unavailable and not supported on Windows NT® platforms. Thus, the functionality and flexibility of the management applications may be improved.

Furthermore, embodiments of the present invention also obviate the need to modify each management application should there be a change in the event information provided by a RAID system. For example, if the format for reporting events by the RAID process should change, only the event API may need be updated to reflect any changes. It is not necessary that each management application be modified since the event API abstracts the event reporting function. This improves the compatibility of the applications that may run within a computing system and provides for seamless transitions if the RAID process is modified.

While certain features of the invention have been illustrated and described herein, many modifications, substitutions, changes, and equivalents will now occur to those skilled in the art. It is, therefore, to be understood that the appended claims are intended to cover all such modifications and changes as fall within the true spirit of the invention.

#### Claims:

 A method of indicating occurrence of an event from a redundant array of inexpensive disks (RAID) monitor service to a management application, comprising:

registering the management application with an event application programming interface;

detecting occurrence of an event with the RAID monitor service; and notifying the management application program of the event via the event application programming interface.

- 2. The method of claim 1, further comprising updating the event application programming interface with the RAID monitor service upon occurrence of the event.
- 3. The method of claim 1, wherein registering the management application includes identifying a storage medium associated with the event.
- 4. The method of claim 1, wherein registering the management application includes identifying the type of event.
- 5. The method of claim 1, wherein registering the management application includes providing the event application programming interface with a callback function.

- 6. The method of claim 5, wherein the event application programming interface uses the callback function to notify the management application of the occurrence of the event.
- 7. The method of claim 1, wherein registering the management application includes creating an interprocess communication between the RAID monitor service and the management application.
  - 8. The method of claim 1, further comprising the step of unregistering the management application with the event application programming interface upon notification of the event.
  - 9. The method of claim 1, wherein the event application programming interface returns a callback function upon notification of the event.

10. A method for notifying an application of the occurrence of a hardware event comprising:

registering the application with a programming interface; and upon occurrence of the hardware event, notifying the application.

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- 11. The method of claim 10, wherein registering the application includes: allocating a data storage location; and storing data in the data storage location.
- 12. The method of claim 11, wherein storing the data includes storing data identifying an input/output processor.
- 13. The method of clam 11, wherein storing the data includes storing data identifying the hardware event that the programming interface notifies the application of once the hardware event has occurred.
- 14. The method of claim 11, wherein storing the data includes storing a hardware identification value that identifies a storage medium associated with the event.
- 15. The method of claim 10, further comprising notifying the programming interface of the occurrence of the hardware event with a RAID monitor service.
  - 16. The method of claim 10, wherein notifying the application includes providing a

callback function.

#### 17. An article comprising:

a machine readable storage medium having stored thereon instructions capable of being executed by a data processing platform, said instructions being adapted to register a management application with a programming interface so that the programming interface is capable of notifying the management application of an event from a RAID monitor service.

- 18. The machine readable storage medium of claim 17, wherein said instructions are further adapted to unregister the management application.
- 19. The machine readable storage medium of claim 17, wherein said instructions are further adapted to notify the management application of a hardware event.
- 20. The machine readable storage medium of claim 19, wherein the hardware event is selected from the group consisting of a disk drive failure, disk drive initialization, array migration, and data recovery.
- 21. The machine readable storage medium of claim 17, wherein said instructionsare further adapted to register a processor identification value.

- 22. An article comprising:
- a processor;
- a medium for storing instructions;
- a medium for storing data;

wherein instructions on the medium for storing instructions are adapted to cause the processor to indicate the occurrence of an event with the medium for storing data from a programming interface to a management application.

- 23. The article of claim 22, wherein the management application is selected from the group consisting of a desktop management program, a RAID system management application, and a RAID monitor application.
  - 24. The article of claim 22, further comprising a RAID monitor service.
  - 25. The article of claim 24, further comprising an intelligent input/output controller.

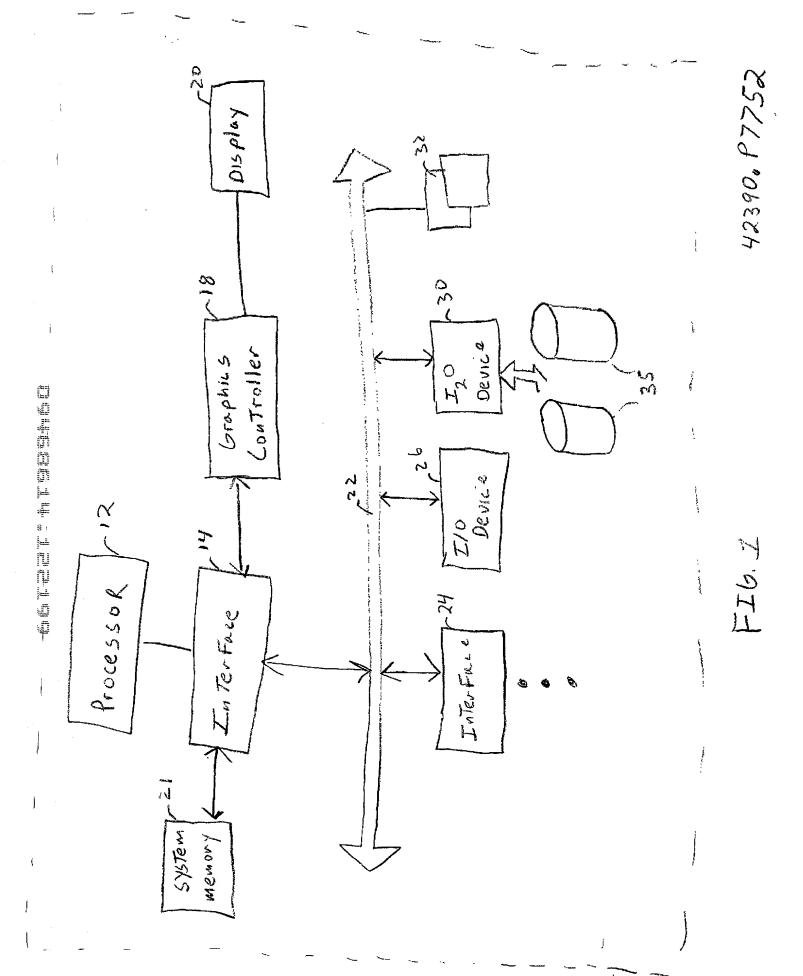
- 26. An apparatus comprising:
- a processor;
- a RAID monitor service;
- an event programming interface;
- a management application, wherein the event programming interface is adapted to notify the management application of an event from the RAID monitor service.
  - 27. The apparatus of claim 26, further comprising a storage medium, wherein the storage medium comprises instructions that cause the processor to register the management application with the event programming interface.
  - 28. The apparatus of claim 27, wherein the storage medium further comprises instructions that cause the processor to provide the function of the event programming interface.

## METHOD FOR COMMUNICATING OCCURRENCE OF EVENTS IN A STORAGE MEDIUM

#### <u>Abstract</u>

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Briefly, in accordance with one embodiment of the invention, a computing system includes an event programming interface and a management application. The management application is communicatively coupled to the event programming interface so that the management application may register an event that the event programming interface will notify the management application once that event has occurred. In one embodiment, the event programming interface may notify the management application of the occurrence of an event that is associated with a storage medium in a RAID process.



Management Management Application Application

To Event API 55

RAID Monitor Service 51

Windows NT OSM 50

PCI Bus

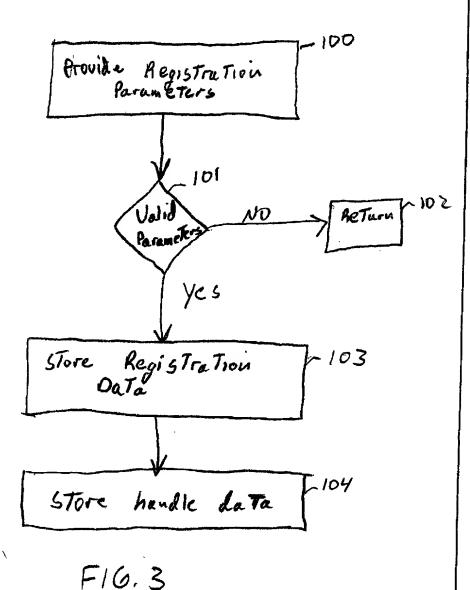
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Attorney's Docket No.: 042390.P7752

# DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION (FOR <u>INTEL CORPORATION</u> PATENT APPLICATIONS)

As a below named inventor, I hereby declare that:

the specification of which

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My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

# METHOD FOR COMMUNICATING OCCURRENCE OF EVENTS IN A STORAGE MEDIUM

is attached hereto.
was filed on as
United States Application Number
or PCT International Application Number
and was amended on
(if applicable)
I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s) as amended by any amendment referred to above. I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.
I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.
I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for

APPLICATION NUMBER	COUNTRY (OR INDICATE IF PCT)	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
			□ No □ Yes

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

APPLICATION NUMBER	FILING DATE

INTEL CORPORATION Rev. 12/11/96 (D3 INTEL) cak

Prior Foreign Application(s):

□ No □ Yes

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION NUMBER	FILING DATE	STATUS (ISSUED, PENDING, ABANDONED)

I hereby appoint BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP, a firm including: William E. Alford, Reg. No. 37,764; Farzad E. Amini, Reg. No. P42,261; Aloysius T. C. AuYeung, Reg. No. 35,432; William Thomas Babbitt, Reg. No. 39,591; Carol F. Barry, Reg. No. 41,600; Jordan Michael Becker, Reg. No. 39,602; Bradley J. Bereznak, Reg. No. 33,474; Michael A. Bernadicou, Reg. No. 35,934; Roger W. Blakely, Jr., Reg. No. 25,831; Gregory D Caldwell, Reg. No. 39,926; Ronald C. Card, Reg. No. 44,587; Thomas M. Coester, Reg. No. 39,637; Stephen M. De Klerk, under 37 C.F.R. § 10.9(b); Michael Anthony DeSanctis, Reg. No. 39,957; Daniel M. De Vos, Reg. No. 37,813; Robert Andrew Diehl, Reg. No. 40,992; Matthew C. Fagan, Reg. No. 37,542; Tarek N. Fahmi, Reg. No. 41,402; James Y. Go, Reg. No. 40,621; James A. Henry, Reg. No. 41,064; Willmore F. Holbrow III, Reg. No. P41,845; Sheryl Sue Holloway, Reg. No. 37,850; George W Hoover II, Reg. No. 32,992; Eric S. Hyman, Reg. No. 30,139; Dag H. Johansen, Reg. No. 36,172; William W. Kidd, Reg. No. 31,772; Erica W. Kuo, Reg. No. 42,775; Michael J. Mallie, Reg. No. 36,591; Andre L. Marais, under 37 C.F.R. § 10.9(b); Paul A. Mendonsa, Reg. No. 42,879; Darren J. Milliken, Reg. 42,004; Lisa A. Norris, Reg. No. P44,976; Chun M. Ng, Reg. No. 36,878; Thien T. Nguyen, Reg. No. 43,835; Thinh V. Nguyen, Reg. No. 42,034; Dennis A. Nicholls, Reg. No. 42,036; Kimberley G. Nobles, Reg. No. 38,255; Daniel E. Ovanezian, Reg. No. 41,236; Babak Redjaian, Reg. No. 42,096; William F. Ryann, Reg. 44,313; James H Salter, Reg. No. 35,668; William W. Schaal, Reg. No. 39,018; James C. Scheller, Reg. No. 31,195; Jeffrey Sam Smith, Reg. No. 39,377; Maria McCormack Sobrino, Reg. No. 31,639; Stanley W. Sokoloff, Reg. No. 25,128; Judith A. Szepesi, Reg. No. 39,393; Vincent P. Tassinari, Reg. No. 42,179; Edwin H. Taylor, Reg. No. 25,129; John F. Travis, Reg. No. 43,203; George G. C. Tseng, Reg. No. 41,355; Joseph A. Twarowski, Reg. No. 42,191; Lester J. Vincent, Reg. No. 31,460; Glenn E. Von Tersch, Reg. No. 41,364; John Patrick Ward, Reg. No. 40,216; Charles T. J. Weigell, Reg. No. 43,398; Kirk D. Williams, Reg. No. 42,229; James M. Wu, Reg. No. P45,241; Steven D. Yates, Reg. No. 42,242; Ben J. Yorks, Reg. No. 33,609; and Norman Zafman. Reg. No. 26,250; my patent attorneys, and Andrew C. Chen, Reg. No. 43,544; Justin M. Dillon, Reg. No. 42,486; Paramita Ghosh, Reg. No. 42,806; and Sang Hui Kim, Reg. No. 40,450; my patent agents, of BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP, with offices located at 12400 Wilshire Boulevard, 7th Floor, Los Angeles, California 90025, telephone (310) 207-3800, and Alan K. Aldous, Reg. No. 31,905; Robert D. Anderson, Reg. No. 33,826; Joseph R. Bond, Reg. No. 36,458; Richard C. Calderwood, Reg. No. 35,468; Jeffrey S. Draeger, Reg. No. 41,000; Cynthia Thomas Faatz, Reg. No. 39,973; Sean Fitzgerald, Reg. No. 32,027; Seth Z. Kalson, Reg. No. 40,670; David J. Kaplan, Reg. No. 41,105; Charles A. Mirho, Reg. No. 41,199; Leo V Novakoski, Reg. No. 37,198; Naomi Obinata, Reg. No. 39,320; Thomas C. Reynolds, Reg. No. 32,488; Kenneth M. Seddon, Reg. No. 43,105; Mark Seeley, Reg. No. 32,299, Steven P. Skabrat, Reg. No. 36,279; Howard A. Skaist, Reg. No. 36,008; Steven C. Stewart, Reg. No. 33,555; Raymond J. Werner, Reg. No. 34,752; Robert G. Winkle, Reg. No. 37,474; and Charles K. Young, Reg. No. 39,435; my patent attorneys, and Thomas Raleigh Lane, Reg. No. 42,781; Calvin E. Wells; Reg. No. P43,256, Peter Lam, Reg. No. P44,855; and Gene I. Su, Reg. No. 45,140; my patent agents, of INTEL CORPORATION; and James R. Thein, Reg. No. 31,710, my patent attorney; with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

Send correspondence to <u>Aloysius T.C. AuYeung, Reg. No. 35,432</u>, BLAKELY, SOKOLOFF, TAYLOR & (Name of Attorney or Agent)

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(Name of Attorney or Agent)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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### Title 37, Code of Federal Regulations, Section 1.56 <u>Duty to Disclose Information Material to Patentability</u>

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclosure all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made or record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Indivic

